

## REMARKS

Reconsideration of the present application is respectfully requested.

Claims 8-16 and 21-31 are pending in this application. Of these, claims 9 and 11-14 have been allowed. In addition, claim 15, 16 and 23-31 stand objected to as being dependent upon a rejected base claim. The Applicants appreciate the indication of allowable subject matter.

Claims 8, 10, 21 and 22 stand rejected under 35 USC §102(b) over Joachim. Applicants disagree and respectfully assert that the office action does not even identify where some of the features of Applicants' claimed invention can be found in the cited reference. For instance, all of these claims require that there be a tube irreversibly attached to the nozzle insert. However, the office action does not identify where Applicants' claimed tube can be found in the Joachim disclosure, let alone a tube that is irreversibly attached to the identified nozzle insert. There should be no dispute that the MPEP and relevant case law require that a reference disclose exactly what an Applicant has claimed in order to support a §102(b) rejection. Applicants refer the Examiner's attention to Joachim at page 3, column 1, lines 36-53 where it is made clear that the identified nozzle piece 21 of Joachim is not irreversibly attached to anything, let alone something that could be fairly characterized as Applicants' claimed tube. Nevertheless, in an effort to advance the prosecution of this case, Applicants have agreed to cancel claim 8 since the subject matter intended to be covered is adequately addressed by claim 21, which the Examiner agreed is allowable over the art of record.

The office action also fails to identify where some of the features of claim 10 may be found in the Joachim reference. In particular, claim 10 requires that the tube include an external surface with two different diameters that are separated from one another by an opening hydraulic surface. Since Joachim teaches that the identified nozzle piece 21 is clamped in place with regard to its injector body, there is no possible way that Joachim can meet the requirements of claim 10. It is also unfair to force Applicant to speculate as to where Joachim shows Applicants'

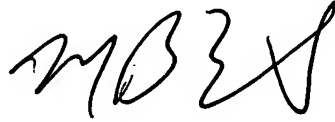
claimed features. Claim 21 also requires features not shown in Joachim nor discussed in the office action. In particular, it requires that the needle valve member of claim 8 be moveable with regard to the injector body. There should be no dispute that Joachim only shows and teaches the identified nozzle piece 21 as being clamped into the injector body, which inherently renders it incapable of meeting the requirements of claim 21. Claim 23 likewise includes features similar to that of claim 10 which are neither shown in Joachim nor discussed in the office action. Since Joachim fails to show what Applicants have claimed, and because there is no discussion in the office action as to where certain features of Applicants claimed invention may be found in Joachim, Applicants respectfully request that the outstanding §102(b) rejections based upon Joachim be withdrawn.

Claims 8, 10, 21 and 22 also stand rejected under 35 USC §102(b) over Waldman. As with the previous rejection, the office action provides no discussion as to where features of the claimed invention may be found in the Waldman reference. For example, nowhere does the office action discuss Applicants' claimed tube that is irreversibly attached to the nozzle insert. Also, where does Waldman show Applicants' claimed tube having two different diameter sections that are separated by an opening hydraulic surface? Finally, claim 21 requires that the nozzle insert/tube combination move as a unit with regard to a fuel injector body. Again, Waldman inherently shows and teaches no such feature. But again, the office action is silent as to where Applicants' claimed features may be found and therefore Applicants have been unfairly left to speculate. Since Waldman does not show what Applicants have claimed, and because the office action provides no direction as to where many of Applicants claimed features may be found in Waldman, Applicants respectfully request that the outstanding §102(b) rejections based upon Waldman be withdrawn.

In view of the arguments submitted, this application is believed to be in condition for allowance of claims 9-16 and 21-31. However, if the Examiner believes that some minor additional clarification would put this application in even better condition for allowance, the

Examiner is invited to contact the undersigned attorney at (812) 333-5355 in order to hasten the prosecution of this application.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'MBE' followed by a stylized flourish.

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